

REMARKS

I. Introduction

Claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 2 to 9, 12 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 Under 35 U.S.C. § 103(a)

Claims 2 to 9, 12 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,057,874 ("Michaud") and U.S. Patent No. 5,963,264 ("Jackson"). It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable the present claims for the following reasons.

As an initial matter, claim 12 was canceled in Applicants' response, dated May 9, 2003.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). The reasonable expectation of success must be found in the prior art, and must not be based on applicant's disclosure. In re Vaeck, supra. Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981 (C.C.P.A. 1974).

Claim 13 recites the following:

13. A generating device of a system for providing a transmission signal, the system controlling at least one target device, comprising:

a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device;

a command coder converting the command signal into a first signal, the command coder being coupled to the command receiver;

a data receiver receiving a data signal from an input device;
and

a data coder converting the data signal into a second signal,
the data coder being coupled to the data receiver;

a modulator coupled to the command and data coders and
generating the transmission signal using the first and second
signals; and

a transmitter coupled to the modulator and transmitting the
transmission signal, wherein data in the command signal and data in
the data signal are linked so that when the data signal is used at a
receiving end of the transmission signal, the at least one target
device is controlled as a function of the command signal while an
output device at the receiving end provides an output as a function
of the data signal.

The Office Action relies on the microprocessor 100 of Michaud as disclosing the recited command receiver. The microprocessor 100 is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Office Action admits that Michaud does not disclose an at least one target device controlled as a function of the command signal while the output device provides an output as a function of the data signal. The Office Action relies on the statement in Jackson that "[t]he EPG and selected program are monitored during recording," as referring to this feature. However, it is unclear how the quoted statement of Jackson refers to this feature.

In Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG (Electronic Programming Guide), which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected. Thus, the monitoring of the EPG and the selected program of Jackson does not refer to a controlling of a target device. Rather, it refers to **a method of determining how to control** a VCR 38. After making the determination, the CPU 16 may accordingly direct the IR generator 23 to send signals to the VCR 38 to begin and terminate recording at appropriate times determined by the CPU 16.

Furthermore, in Jackson, to determine how to control the VCR 38, the CPU 16 relies on three factors: (1) a user-selected VCR; (2) a user-selected program; and (3) the EPG. Even if the selection of the VCR and the selection of the program are interpreted as "command signals," the EPG is not a command signal. It is a list of programs and their times. Of the three factors, only the EPG is received by the CPU 16 from a satellite 2. The other two are entered locally by the user, for example via a remote control 31. Thus, even if Michaud is modified to include the features of Jackson, the data inserter 114 would combine the video and audio data, the data of the microprocessor 100, and the EPG for transmission toward the settop terminal 20. However, as set forth above, the EPG is not a command signal.

Furthermore, Jackson states that the EPG is transmitted together with an audio stream and a video stream, and that the audio stream and video stream are then converted to signals output to TV/monitor 36. However, as set forth above, the EPG does not control the VCR 38. Rather, it is used by the CPU 16 to determine how to control the VCR 38 at appropriate times determined by the CPU 16. Thus, even if the EPG is interpreted as a command signal, which it is not, nowhere does Jackson state that the CPU 16 controls the VCR 38 at the same time that the signals based upon the audio stream and video stream with which the EPG was transmitted are output to the TV/monitor 36.

Thus, the combination of Michaud and Jackson does not disclose or suggest an at least one target device controlled as a function of a command signal while an output device at a receiving end provides an output as a function of a data signal, where the command signal and the data signal are received and used for generating a transmission signal. Thus, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 13. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 13.

Claim 16 relates to a control device of a system that controls at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 16 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 27 relates to a method for controlling at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully

submitted that claim 27 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 34 relates to a method for controlling at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 34 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 38 relates to a computer-readable storage medium storing a set of instructions for implementing a control operation of at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 38 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 41 relates to a communication and control system, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 41 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 45 relates to a method for controlling a target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 45 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claims 14 and 15 depend from claim 13. As set forth above in support of the patentability of claim 13, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 13. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 14 and 15, by virtue of these claims' dependence on claim 13. In re Fine, supra (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Claims 18 to 26 ultimately depend from claim 16. As set forth above in support of the patentability of claim 16, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 16. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 18 to 26, by virtue of these claims' dependence on claim 16.

Claims 29 to 32 ultimately depend from claim 27. As set forth above in support of the patentability of claim 27, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 27. Accordingly, it is

respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 29 to 32, by virtue of these claims' dependence on claim 27.

Claims 35 and 36 ultimately depend from claim 34. As set forth above in support of the patentability of claim 34, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 34. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 35 and 36, by virtue of these claims' dependence on claim 34.

Claims 2 to 9, and 42 to 44 ultimately depend from claim 41. As set forth above in support of the patentability of claim 41, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 41. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 2 to 9, and 42 to 44, by virtue of these claims' dependence on claim 41.

Claims 46 to 48 depend from claim 45. As set forth above in support of the patentability of claim 45, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 45. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 46 to 48, by virtue of these claims' dependence on claim 45.

III. Rejection of Claims 10, 11, and 33 Under 35 U.S.C. § 103(a)

Claims 10, 11, and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and U.S. Patent No. 6,108,042 ("Adams et al."). It is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable the present claims for the following reasons.

Claims 10 and 11 ultimately depend from and therefore include all of the limitations of claim 41. Accordingly, without passing judgment on the merits of the Office Action's assertions regarding the limitations of claims 10 and 11, it is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claims 10 and 11, by virtue of these claims' dependence on claim 41.

Claim 33 depends from and therefore includes all of the limitations of claim 27. Accordingly, without passing judgment on the merits of the Office Action's assertions regarding the limitations of claim 33, it is respectfully submitted that the

combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 33, by virtue of this claim's dependence on claim 27.

IV. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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By:



Michelle Carniaux
Reg. No. 36,098

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO 26646